

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, DECEMBER 2, 1999
8:30 A.M.**

Commissioners Present: Kathy Campbell, Chair
Linda Steinman
Bob Workman
Larry Hudkins
Bernie Heier

Others Present: Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, Lancaster County Clerk
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF TUESDAY, NOVEMBER 9, 1999; TUESDAY, NOVEMBER 16, 1999; WEDNESDAY, NOVEMBER 17, 1999 AND TUESDAY, NOVEMBER 23, 1999.

Steinman requested that Item 11e of the Staff Meeting Minutes dated November 16th be corrected to reflect that representatives of the USA Track and Field Junior Cross-Country event will visit Lincoln's Pioneers Park as part of their site consideration.

MOTION: Steinman moved and Hudkins seconded approval of the Staff Meeting Minutes dated November 9, 1999; November 17, 1999 and November 23, 1999 and the Staff Meeting Minutes dated November 16, 1999, with the noted correction. On call Steinman, Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

a. Surplus Furniture Request from Lincoln Action Program

MOTION: Heier moved and Hudkins seconded approval of the addition to the agenda. On call Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

3 CHANGE OF ZONE NO. 192 & MISCELLANEOUS NO. 99003, AMEND ZONING REGULATIONS & SUBDIVISION REGULATIONS TO REQUIRE NORTH AMERICAN VERTICAL DATUM (NAVD) - Mike DeKalb and Nicole Fleck-Tooze, Planning Department; Larry Worrell, County Surveyor

Nicole Fleck-Tooze, Planning Department, reported on a proposal to revise sections of the Lancaster County Zoning Regulations and the County Land Subdivision Regulations to require that all elevations and topographic data for projects be submitted in North American Vertical Datum (NAVD) 1988, which is the national standard for vertical datum

Hudkins asked the County Surveyor whether he supports the proposal.

Larry Worrell, County Surveyor, said he does. He also noted that Lancaster County will serve as a pilot project for vertical adjustment, using Geographic Information System and Global Positioning Satellite technology.

ADDITIONS TO THE AGENDA

- a. Surplus Furniture Request from Lincoln Action Program

Kerry Eagan, Chief Administrative Officer, presented a request from Lincoln Action Program to use furniture no longer needed by the Juvenile Court and County departments that are vacating Trabert Hall (Exhibit A).

MOTION: Steinman moved and Heier seconded to give County agencies preference regarding surplus furniture and to authorize Don Killeen, County Property Manager, to negotiate the sale of unwanted furniture with human service agencies funded by the Joint Budget Committee. On call Steinman, Workman, Hudkins, Heier and Campbell voted aye. Motion carried.

- 4 REVIEW OF BOARD OF EQUALIZATION PROCEDURES** - Norm Agena, County Assessor; Robin Hendricksen, Chief Administrative Deputy Assessor; Gwen Thorpe, Deputy County Clerk; Wayne & Tom Kubert, Great Plains Appraisal

Gwen Thorpe, Deputy County Clerk, distributed copies of *Board of Equalization Proposed Process* (Exhibit B), noting that the document was based on an assumption that the Board of Equalization will only hold three days of hearings.

Norm Agena, County Assessor, noted that the Courts and the Tax Equalization and Review Commission (TERC) have indicated that printouts from the OASIS (computer assisted mass appraisal database) System are unacceptable, as data is in code form. He said his department will be working with Information Services to develop a property record card that will contain pertinent information, similar to that provided on the Internet website.

Campbell said the programming is probably a Board of Equalization expense and requested Agena to bring back a formal proposal.

Agena also stated that his office plans to send out a preliminary notice of value to taxpayers in April, including the property record card. The notice will include a request that taxpayers notify the County Assessor's Office immediately if errors in property description are detected. He said the intent is to clear up listing problems prior to the Board of Equalization process.

Campbell requested that the mailing clearly state that this is the point at which an inspection should be requested if errors are detected.

Agena said property owners that do not respond to the preliminary notice and later seek a change in listing will still receive an inspection, but must also file a protest. Inspections will be conducted by County Assessor's staff, rather than the referees.

Tom Kubert, Great Plains Appraisal, noted that referees will conduct inspections when a subjective value is required.

Thorpe said the County Clerk's Office will be responsible for assuring that those seeking an appointment with the Board of Equalization have met with a referee. A preference for additional information to be submitted, in writing, 48 hours prior to the Board of Equalization hearing will also be requested.

Hudkins questioned the constitutionality of requiring an appearance or representation at a referee hearing before appearance before the Board of Equalization.

The Board agreed to seek clarification of this issue.

MOTION: Workman moved and Steinman seconded to authorize the Board of Equalization Procedure Committee to refine the list of recommendations, with final review by Mike Thew, Chief Deputy County Attorney. On call Workman, Steinman, Hudkins, Heier and Campbell voted aye. Motion carried.

5 CONVENTION & VISITORS BUREAU QUARTERLY REPORT - Paul McCue, Lincoln Chamber of Commerce President; Jerry Barnes, Visitors & Promotion Committee Chair; and Mark Essman, Convention & Visitors Bureau Director

Mark Essman, Convention & Visitors Bureau Director, gave a brief update on upcoming events.

Hudkins noted that Cass County is seeking legislative change to allow for a county occupation tax. He asked for an opinion on the issue.

Paul McCue, Lincoln Chamber of Commerce President, said the issue has only been discussed briefly. He added that Omaha is seeking legislation that will allow sales tax revenue to be used to fund a convention center.

In response to a question from Workman, Essman said there have been inquiries regarding the Lancaster County Agricultural Society Events Center and they will be given an equal opportunity to book events.

McCue reported that the Sports Promotion Council is reorganizing and there is potential for expansion in the area of athletics. He also reported there are still plans to seek a convention consultant, but funding will be from outside sources.

6 ADDITIONAL FULL-TIME EMPLOYEE FOR CRISIS CENTER - Dean Settle, Community Mental Health Center Director

Dean Settle, Community Mental Health Center Director, requested authorization to hire one additional Mental Health Technician in an effort to reduce overtime and on-call staffing, noting that the overtime has been tracked for six months and averages \$1,200 each pay period.

MOTION: Hudkins moved and Steinman seconded to authorize hiring of one additional full-time Mental Health Technician for the Community Mental Health Center. On call Heier, Hudkins, Steinman, Workman and Campbell voted aye. Motion carried.

Settle reported that funds will also be shifted from the budget line item for consultants to cover excess hours worked by a part-time psychologist on staff. He said increasing this position to full-time status is not necessary, as hours tend to fluctuate throughout the year.

Settle also presented copies of the mission statement and a listing of accredited service areas for the Community Mental Health Center (Exhibit C) and reported on the following:

- * A change in method of accreditation
- * Resolution of the outside employment issue
- * Methods of increasing visibility in community
- * Need for public housing for chronic mentally ill individuals
- * Plans to seek grant funding of additional case managers

RETURNING TO REVIEW OF BOARD OF EQUALIZATION PROCEDURES

Mike Thew, Chief Deputy County Attorney, presented copies of Nebraska Revised Statutes 77-1502.01 (Exhibit D), which explains the appointment and duties of referees regarding the Board of Equalization process.

7 COUNTY ENGINEER'S ROAD AND BRIDGE BUDGET; EFFECT OF COUNTY ROAD ACQUISITIONS ON LOT DENSITY - Don Thomas, County Engineer; Robert Hensarling, Right-of-Way Manager; Mike Thew, Chief Deputy County Attorney; Diane Staab, Deputy County Attorney; Mike DeKalb, Planning Department; Norm Agena, County Assessor; Robin Hendricksen, Chief Administrative Deputy Assessor; Tom Kubert, Great Plains Appraisal

Effect of County Road Acquisitions on Lot Density

Mike Thew, Chief Deputy County Attorney, explained that when County Zoning Regulations were originally passed, the County Board made a conscious decision to exclude right-of-way for purposes of density to limit urban sprawl and maintain consistency of interpretation with the City of Lincoln.

In response to a question from Hudkins, Don Thomas, County Engineer, said acquisition of right-of-way is based on the highest and best use of the land. Information is provided by the County, but property owners are advised to check their own sources for interpretation or advice.

In response to a question from Hudkins, Norm Agena, County Assessor, said his department prefers acquisition of right-of-way to easements, as it does not require recapture of taxes upon sale.

Heier asked whether acquisition of right-of-way by the County changes density, giving an example in which two 20 acre parcels are created along a roadway.

Thew said density would be protected, provided the 20 acre lots were usable at the time of their division.

Mike DeKalb, Planning Department, added that density is affected if there are no prior divisions, but property owners have other options available to them, such as the "farmstead exception", which allows the split-off of a farmhouse in existence for more than five years that passes minimum housing code and health inspection of the septic system and well, and "clustered" development, which provides a 20 percent dwelling unit bonus.

Heier suggested that it may be advisable for property owners to divide their property, protecting density, if road changes are anticipated.

Thew said division would increase taxes in the interim.

DeKalb said one solution would be to add language to the minimum lot requirements in the County Zoning Regulations which would provide density protection in acquisition of right-of-way for County Section Line Road (Exhibit E). He suggested that if the County Board decides to seek a change to the County Zoning Regulations, that a similar change applicable to the City's three-mile zoning jurisdiction be sought. DeKalb estimated that this process would take a minimum of 90 days, due to publication and public hearing requirements.

Thomas asked how his department should handle right-of-way acquisition in the interim period.

Thew said deals could be finalized, with the understanding that the amount of compensation is contingent upon a change to the County Zoning Regulations.

Tom Kubert, Great Plains Appraisal, voiced concern that this would require two separate appraisals.

DeKalb suggested that education could be provided to property owners through the County Extension Office in the form of a general newsletter article on the process involved in selling land.

The Board rescheduled the item for further discussion on the agenda for the December 9th County Board Staff Meeting and requested that DeKalb apprise the City Attorney's Office that the County Board is considering a change to the County Zoning Regulations.

County Engineer's Road and Bridge Budget

Campbell noted that several Board members had expressed concern regarding unspent bridge and highway funds in Fiscal Year 1999 and had questioned whether these funds could be spent by moving projects up in the One and Six Year Road and Bridge Improvement Program.

Thomas briefly reviewed a summary of unspent bridge and highway funds for Fiscal Year 1999 (Exhibit F), noting that five projects, totaling \$290,000, were carried over and rebudgeted this fiscal year.

Dave Kroeker, Budget & Fiscal Officer, noted that encumbrances are treated as expenditures in the budget.

Workman suggested that a notation of delayed projects be included in the One and Six Year Road and Bridge Improvement Program document.

Heier left the meeting.

Thomas also reported that federal funding of the Transportation Improvement Program (TIP) is in jeopardy due to a delay in revision of the transportation plan portion of the Comprehensive Plan. He attributed this delay to the national search for a new Planning Director.

RETURNING TO CHANGE OF ZONE NO. 192 & MISCELLANEOUS NO. 99003, AMEND ZONING REGULATIONS & SUBDIVISION REGULATIONS TO REQUIRE NORTH AMERICAN VERTICAL DATUM (NAVD)

Mike DeKalb, Planning Department, proposed an amendment, similar to that passed by the City, providing a "grace" period for conversion of datum to NAVD 1988 (Exhibit G).

8 CLOSURE OF CHILD SUPPORT PAYMENT SATELLITE - Kelly Moore Guenzel Handlos, Clerk of the District Court

Kelly Moore Guenzel Handlos, Clerk of the District Court, said the District Court will move into the Justice and Law Enforcement Center on December 18th and 19th. The Child Support Satellite Office in the County-City Building will be closed at that time and merged with the main office.

Dave Kroeker, Budget & Fiscal Officer, said the Clerk of the District Court will be charged for this space until it is reallocated.

Campbell suggested that Sue Eckley, Workers' Compensation & Risk Management Manager, may wish to relocate into the vacated space.

9 AMENDMENT OF CORRECTIONS LABOR AGREEMENT TO INCLUDE CATASTROPHIC LEAVE - Georgia Glass, Personnel Director ; Diane Staab, Deputy County Clerk

Georgia Glass, Personnel Director, said the Fraternal Order of Police (FOP) Lodge 32 has requested that contract negotiations be opened to discuss inclusion of catastrophic leave. She said this request was prompted by concern for an ill co-worker.

Diane Staab, Deputy County Attorney, said if catastrophic leave is approved, participating employees would be allowed to donate up to 1,120 hours to an ill co-worker. She added that employees in this bargaining group do not have a long-term disability plan.

MOTION: Hudkins moved and Steinman seconded to authorize the Personnel Department to open contract negotiations with the Fraternal Order of Police (FOP) Lodge 32, limiting discussion to the issue of catastrophic leave. On call Hudkins, Steinman, Workman and Campbell voted aye. Motion carried.

10 ACTION ITEMS

- a. Request from Kit Boesch, Human Services Administrator, to Attend National Conference on Juvenile Justice, March 19-22, 2000

Kit Boesch, Human Services Administrator, said the request could be funded through the Justice Council, if necessary.

MOTION: Hudkins moved and Workman seconded approval of the request and directed Kit Boesch, Human Services Administrator, to work with Dave Kroeker, Budget & Fiscal Officer, in determining the appropriate budget for funding of the request. On call Hudkins, Workman, Steinman and Campbell voted aye. Heier was absent from voting. Motion carried.

Boesch noted that she plans to visit the Tampa Assessment Center while attending the conference.

11 DISCUSSION OF BOARD MEMBER MEETINGS

- a. District Energy Corporation - Heier, Hudkins

Hudkins reported that a 2.3 percent increase in heating and cooling costs is anticipated for the County-City Building.

- b. Board of Health - Hudkins

Hudkins reported that discussion focused on legislative issues.

Hudkins noted that Dave Johnson, Deputy County Attorney, had voiced concern regarding some members lack of compliance with public meeting requirements.

Campbell said she and Hudkins plan to discuss this issue in a meeting with the Mayor.

- c. Community Mental Health Center Advisory Committee - Steinman

No report was given.

- d. Government Access & Information Committee - Steinman

No report was given.

- e. Lancaster Manor Advisory Committee - Workman

No report was given.

- f. Information Services Policy Committee - Steinman

Steinman reported that discussion focused on the need for a disaster recovery area, with the Easterday Recreation Center suggested as a possible location.

15 EMERGENCY ITEMS AND OTHER BUSINESS

Eagan requested authorization to purchase replacement Dictaphone equipment at a cost of \$263.12. He noted that a three-year extended warranty for the equipment will cost an additional \$33.

MOTION: Heier moved and Steinman seconded approval of the request. On call Heier, Hudkins Steinman, Workman and Campbell voted aye. Motion carried.

16 ADJOURNMENT

By direction of the Chair, the meeting was adjourned.

Bruce Medcalf
Lancaster County Clerk